## AKIN GUMP STRAUSS HAUER & FELD LLP

590 Madison Avenue

New York, NY 10022-2524 Telephone: (212) 872-1000 Facsimile: (212) 872-1002 Michael S. Stamer (MS-4900) Fred S. Hodara (FH-7947) Philip C. Dublin (PD-4919) Alexis Freeman (AF-0328)

Counsel to the Official Committee of Unsecured Creditors of Calpine Corporation, et al.

## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

		)	
In re:		)	
		)	Chapter 11
Calpine Corporation, et al.,		)	
		)	Case No. 05-60200 (BRL)
	Debtors.	)	Jointly Administered
		_ )	

## NOTICE OF APPEAL

The Official Committee of Unsecured Creditors of Calpine Corporation, et al., pursuant to 28 U.S.C. § 158(a)(1) and Federal Rule of Bankruptcy Procedure 8001(a)(1), hereby appeals to the United States District Court for the Southern District of New York, the following Order of this Court:

Memorandum Decision and Order Granting, in part, Debtors' Motion for an Order (I) Authorizing Debtors to Obtain Replacement Postpetition Financing to (A) Refinance Existing Postpetition Financing and (B) Repay Prepetition Debt; (II) Allowing Debtors' Limited Objection to Claims; and (III) Determining Value of Secured Claims, entered March 5, 2007 (Docket No. 3875) (the "Memorandum Decision and Order").

The names of the parties in interest to the Memorandum Decision and Order, and the names, addresses, and telephone numbers of their respective counsel, to the extent known, are as follows:

Party Counsel

Calpine Corporation, et al. (Debtors) Richard M. Cieri

Marc Kieselstein David R. Seligman Edward O. Sassower Jeffrey S. Powell Stephen E. Hessler

KIRKLAND & ELLIS LLP

Citigroup Center 153 East 53rd Street

New York, NY 10022-4611

(212) 446-4800

The Bank of Nova Scotia, as Administrative Richard G. Mason

Agent

Joshua A. Feltman Emil A. Kleinhaus

WACHTELL, LIPTON, ROSEN & KATZ

51 West 52nd Street

New York, New York 10019-6150

(212) 403-1000

Wilmington Trust FSB, as Indenture Trustee Amanda D. Darwin

Victor G. Millione Richard C. Pedone NIXON PEABODY LLP

100 Summer Street

Boston, Massachusetts 02110

(617) 345-1000

- and -

Christopher M. Desiderio NIXON PEABODY LLP 437 Madison Avenue

New York, New York 10022

(212) 940-3000

Wilmington Trust Company, as Collateral Amanda D. Darwin

Agent

Wilmington Trust Company, as Administrative Richard C. Pedone

Agent

Victor G. Millione

NIXON PEABODY LLP

100 Summer Street

Boston, Massachusetts 02110

(617) 345-1000

- and -

Christopher M. Desiderio NIXON PEABODY LLP 437 Madison Avenue

New York, New York 10022

(212) 940-3000

HSBC Bank USA, National Association, as

Indenture Trustee

Mark I. Bane

Mark R. Somerstein David S. Elkind

**ROPES & GRAY LLP** 

1211 Avenue of the Americas New York, New York 10036-8704

(212) 596-9000

The Bank of New York, as Administrative

Agent

Mark I. Bane

Mark R. Somerstein David S. Elkind

**ROPES & GRAY LLP** 

1211 Avenue of the Americas New York, New York 10036-8704

(212) 596-9000

Manufacturers & Traders Trust Company, as

Indenture Trustee

Martin J. Bienenstock

George A. Davis Penny P. Reid

Christopher Marcus

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153-0119

(212) 310-8000

Credit Suisse, as proposed Replacement DIP Peter V. Pantaleo

Facility Administrative Agent

Peter V. Pantaleo David J. Mack

SIMPSON THACHER & BARTLETT LLP

425 Lexington Avenue

New York, New York 10017

(212) 455-2220

Official Committee of Unsecured Creditors Michael S. Stamer

Fred S. Hodara Philip C. Dublin Alexis Freeman

AKIN GUMP STRAUSS HAUER & FELD

LLP

590 Madison Avenue

New York, New York 10022-2524

(212) 872-1000

Official Committee of Equity Security Holders Gary L. Kaplan

FRIED, FRANK, HARRIS, SHRIVER &

JACOBSON LLP One New York Plaza

New York, New York 10004

(212) 859-8812

Unofficial Committee of Second Lien

Debtholders of Calpine Corp.

Second Lien Andrew N. Rosenberg

Elizabeth R. McColm

PAUL WEISS RIFKIND WHARTON &

**GARRISON LLP** 

1285 Avenue of the Americas New York, New York 10019-6064

(212) 373-3000

Dated: March 14, 2007 New York, New York Respectfully submitted,

/s/ Michael S. Stamer\_

Michael S. Stamer (MS-4900) Fred S. Hodara (FH-7947) Philip C. Dublin (PD-4919) Alexis Freeman (AF-0328) AKIN GUMP STRAUSS HAUER & FELD LLP 590 Madison Avenue New York, New York 10022-2524

Telephone: (212) 872-1000 Facsimile: (212) 872-1002

Counsel to the Official Committee of Unsecured Creditors of Calpine Corporation, <u>et al</u>.